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(Original Signature of Member)

109TH CONGRESS
2D SESSION

H. R. _____

To improve the netting process for financial contracts and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCHENRY introduced the following bill; which was referred to the
Committee on _____

A BILL

To improve the netting process for financial contracts and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Financial Netting Im-
5 provements Act of 2006”.



1 **SEC. 2. TREATMENT OF CERTAIN AGREEMENTS BY CON-**
2 **SERVATORS OR RECEIVERS OF DEPOSITORY**
3 **INSTITUTIONS.**

4 (a) DEFINITION OF SECURITIES CONTRACT.—

5 (1) FDIC-INSURED DEPOSITORY INSTITU-
6 TIONS.—Section 11(e)(8)(D)(ii) of the Federal De-
7 posit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is
8 amended—

9 (A) in subclause (I)—

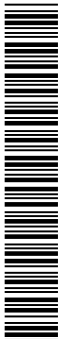
10 (i) by striking “mortgage loan, or”
11 and inserting “mortgage loan,”; and

12 (ii) by inserting before the semicolon
13 “(whether or not such repurchase or re-
14 verse repurchase transaction is a ‘repur-
15 chase agreement’, as defined in clause
16 (v))”;

17 (B) in subclause (IV)—

18 (i) by inserting “(including by nova-
19 tion)” after “the guarantee”; and

20 (ii) by inserting before the semicolon
21 “(whether or not such settlement is in con-
22 nection with any agreement or transaction
23 referred to in subclauses (I) through (XII)
24 (other than subclause (II))”;



1 (C) in subclause (IX), by striking “or
2 (VIII)” each place such term appears and in-
3 serting “(VIII), (IX), or (X)”;

4 (D) by redesignating subclauses (VI),
5 (VII), (VIII), (IX), and (X) as subclauses
6 (VIII), (IX), (X), (XI), and (XII), respectively;
7 and

8 (E) by inserting after subclause (V) the
9 following new subparagraphs:

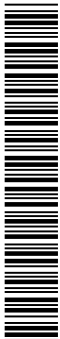
10 “(VI) means any extension of
11 credit for the clearance or settlement
12 of securities transactions;

13 “(VII) means any loan trans-
14 action coupled with a securities collar
15 transaction, any prepaid securities
16 forward transaction, or any total re-
17 turn swap transaction coupled with a
18 securities sale transaction;”.

19 (2) INSURED CREDIT UNIONS.—Section
20 207(c)(8)(D)(ii) of the Federal Credit Union Act
21 (12 U.S.C. 1787(c)(8)(D)(ii)) is amended—

22 (A) in subclause (I)—

23 (i) by striking “mortgage loan, or”
24 and inserting “mortgage loan,”; and



1 (ii) by inserting before the semicolon
2 “(whether or not such repurchase or re-
3 verse repurchase transaction is a ‘repur-
4 chase agreement’, as defined in clause
5 (v))”;

6 (B) in subclause (IV)—

7 (i) by inserting “(including by nova-
8 tion)” after “the guarantee”; and

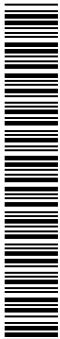
9 (ii) by inserting before the semicolon
10 “(whether or not such settlement is in con-
11 nection with any agreement or transaction
12 referred to in subclauses (I) through (XII)
13 (other than subclause (II))”;

14 (C) in subclause (IX), by striking “or
15 (VIII)” each place such term appears and in-
16 serting “(VIII), (IX), or (X)”;

17 (D) by redesignating subclauses (VI),
18 (VII), (VIII), (IX), and (X) as subclauses
19 (VIII), (IX), (X), (XI), and (XII), respectively;
20 and

21 (E) by inserting after subclause (V) the
22 following new subparagraphs:

23 “(VI) means any extension of
24 credit for the clearance or settlement
25 of securities transactions;



1 “(VII) means any loan trans-
2 action coupled with a securities collar
3 transaction, any prepaid securities
4 forward transaction, or any total re-
5 turn swap transaction coupled with a
6 securities sale transaction;”.

7 (b) DEFINITION OF FORWARD CONTRACT.—

8 (1) FDIC-INSURED DEPOSITORY INSTITU-
9 TIONS.—Section 11(e)(8)(D)(iv)(I) of the Federal
10 Deposit Insurance Act (12 U.S.C.
11 1821(e)(8)(D)(iv)(I)) is amended by striking “trans-
12 action, reverse repurchase transaction” and inserting
13 “or reverse repurchase transaction (whether or not
14 such repurchase or reverse repurchase transaction is
15 a ‘repurchase agreement’, as defined in clause (v))”.

16 (2) INSURED CREDIT UNIONS.—Section
17 207(c)(8)(D)(iv)(I) of the Federal Credit Union Act
18 (12 U.S.C. 1787(c)(8)(D)(iv)(I)) is amended by
19 striking “transaction, reverse repurchase trans-
20 action” and inserting “or reverse repurchase trans-
21 action (whether or not such repurchase or reverse
22 repurchase transaction is a ‘repurchase agreement’,
23 as defined in clause (v))”.

24 (c) DEFINITION OF SWAP AGREEMENT.—



1 (1) FDIC-INSURED DEPOSITORY INSTITU-
2 TIONS.—Section 11(e)(8)(D)(vi) of the Federal De-
3 posit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is
4 amended—

5 (A) in subclause (I)—

6 (i) by striking “or precious metals”
7 and inserting “, precious metals, or other
8 commodity”; and

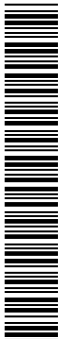
9 (ii) by striking “or a weather swap,
10 weather derivative, or weather option” and
11 inserting “weather swap, option, future, or
12 forward agreement; an emissions swap, op-
13 tion, future, or forward agreement; or an
14 inflation swap, option, future, or forward
15 agreement”;

16 (B) in subclause (II)—

17 (i) by inserting “or other derivatives”
18 after “dealings in the swap”; and

19 (ii) by striking “future, or option”
20 and inserting “future, option, or spot
21 transaction”; and

22 (C) by striking “the Securities Act of
23 1933, the Securities Exchange Act of 1934, the
24 Public Utility Holding Company Act of 1935,
25 the Trust Indenture Act of 1939, the Invest-



1 ment Company Act of 1940, the Investment
2 Advisers Act of 1940, the Securities Investor
3 Protection Act of 1970, the Commodity Ex-
4 change Act, the Gramm-Leach-Bliley Act, and
5 the Legal Certainty for Bank Products Act of
6 2000” and inserting “the Gramm-Leach-Bliley
7 Act, the Legal Certainty for Bank Products Act
8 of 2000, the securities laws (as such term is de-
9 fined in section 3(a)(47) of the Securities Ex-
10 change Act of 1934) and the Commodity Ex-
11 change Act”.

12 (2) INSURED CREDIT UNIONS.—Section
13 207(c)(8)(D)(vi) of the Federal Credit Union Act
14 (12 U.S.C. 1787(c)(8)(D)(vi)) is amended—

15 (A) in subclause (I)—

16 (i) by striking “or precious metals”
17 and inserting “, precious metals, or other
18 commodity”; and

19 (ii) by striking “or a weather swap,
20 weather derivative, or weather option” and
21 inserting “weather swap, option, future, or
22 forward agreement; an emissions swap, op-
23 tion, future, or forward agreement; or an
24 inflation swap, option, future, or forward
25 agreement”;



1 (B) in subclause (II)—

2 (i) by inserting “or other derivatives”

3 after “dealings in the swap”; and

4 (ii) by striking “future, or option”

5 and inserting “future, option, or spot

6 transaction”; and

7 (C) by striking “the Securities Act of

8 1933, the Securities Exchange Act of 1934, the

9 Public Utility Holding Company Act of 1935,

10 the Trust Indenture Act of 1939, the Invest-

11 ment Company Act of 1940, the Investment

12 Advisers Act of 1940, the Securities Investor

13 Protection Act of 1970, the Commodity Ex-

14 change Act, the Gramm-Leach-Bliley Act, and

15 the Legal Certainty for Bank Products Act of

16 2000” and inserting “the Gramm-Leach-Bliley

17 Act, the Legal Certainty for Bank Products Act

18 of 2000, the securities laws (as such term is de-

19 fined in section 3(a)(47) of the Securities Ex-

20 change Act of 1934) and the Commodity Ex-

21 change Act”.

22 **SEC. 3. CLARIFYING AMENDMENTS RELATING TO DEFINI-**
23 **TION OF PERSON.**

24 (a) FDIC-INSURED DEPOSITORY INSTITUTIONS

25 DEFINITION OF PERSON.—Section 11(e)(8)(D) of the



1 Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D))
2 is amended by adding at the end the following:

3 “(ix) PERSON.—The term ‘person’ includes
4 any governmental entity in addition to any enti-
5 ty included in the definition of such term in
6 section 1 of title 1, United States Code.”.

7 (b) INSURED CREDIT UNIONS DEFINITION OF PER-
8 SON.—Section 207(c)(8)(D) of the Federal Credit Union
9 Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at
10 the end the following:

11 “(ix) PERSON.—The term ‘person’ in-
12 cludes any governmental entity in addition
13 to any entity included in the definition of
14 such term in section 1 of title 1, United
15 States Code.”.

16 **SEC. 4. FEDERAL DEPOSIT INSURANCE CORPORATION IM-**
17 **PROVEMENT ACT OF 1991.**

18 (a) ENFORCEABILITY OF BILATERAL NETTING CON-
19 TRACTS.—Section 403 of the Federal Deposit Insurance
20 Corporation Improvement Act of 1991 (12 U.S.C. 4403)
21 is amended—

22 (1) in each of subsections (a) and (f), by strik-
23 ing “paragraphs (8)(E), (8)(F), and (10)(B) of”
24 each place such term appears; and



1 (2) in subsection (a), by inserting “terminated,
2 liquidated, accelerated, and” after “institutions shall
3 be”.

4 (b) ENFORCEABILITY OF CLEARING ORGANIZATION
5 NETTING CONTRACTS.—Section 404 of the Federal De-
6 posit Insurance Corporation Improvement Act of 1991 (12
7 U.S.C. 4404) is amended—

8 (1) in each of subsections (a) and (h), by strik-
9 ing “paragraphs (8)(E), (8)(F), and (10)(B) of”
10 each place such term appears; and

11 (2) in subsection (a), by inserting “terminated,
12 liquidated, accelerated, and” after “organization
13 shall be”.

14 **SEC. 5. CONFORMING AMENDMENTS.**

15 (a) CLARIFYING DEFINITIONS.—Title 11, United
16 States Code, is amended—

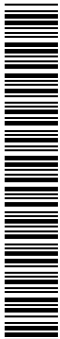
17 (1) in section 101—

18 (A) in paragraph (22)(A)—

19 (i) by striking “(domestic or foreign)”
20 after “an entity”; and

21 (ii) by inserting “(whether or not a
22 ‘customer’, as defined in section 741)”
23 after “custodian for a customer”;

24 (B) in paragraph (22A)—



1 (i) by striking “on any day during the
2 previous 15-month period” each place it
3 appears and inserting “at such time or on
4 any day during the 15-month period pre-
5 ceding the date of the filing of the peti-
6 tion”; and

7 (ii) by inserting “(aggregated across
8 counterparties)” after “principal amount
9 outstanding”;

10 (C) in paragraph (25)(A)—

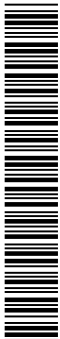
11 (i) by inserting “, as defined in sec-
12 tion 761” after “commodity contract”; and

13 (ii) by striking “repurchase trans-
14 action, reverse repurchase transaction,”
15 and inserting “repurchase or reverse re-
16 purchase transaction (whether or not such
17 repurchase or reverse repurchase trans-
18 action is a ‘repurchase agreement’, as de-
19 fined in this section)”;

20 (D) in paragraph (53B)(A)—

21 (i) in clause (i)—

22 (I) in subclause (II), by striking
23 “or precious metals” and inserting “,
24 precious metals, or other commodity”;



1 (II) in subclause (VII), by strik-
2 ing “or” at the end;

3 (III) in subclause (VIII), by
4 striking “weather derivative, or weath-
5 er option” and inserting “option, fu-
6 ture, or forward agreement”; and

7 (IV) by adding at the end the fol-
8 lowing:

9 “(IX) an emissions swap, option,
10 future, or forward agreement; or

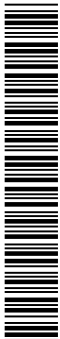
11 “(X) an inflation swap, option,
12 future, or forward agreement;”; and

13 (ii) in clause (ii)—

14 (I) in subclause (I), by inserting
15 “or other derivatives” after “dealings
16 in the swap”; and

17 (II) in subclause (II), by striking
18 “future, or option” and inserting “fu-
19 ture, option, or spot transaction”; and

20 (E) in paragraph (53B)(B), by striking
21 “the Securities Act of 1933, the Securities Ex-
22 change Act of 1934, the Public Utility Holding
23 Company Act of 1935, the Trust Indenture Act
24 of 1939, the Investment Company Act of 1940,
25 the Investment Advisers Act of 1940, the Secu-



1 securities Investor Protection Act of 1970, the Com-
2 modity Exchange Act, the Gramm-Leach-Bliley
3 Act, and the Legal Certainty for Bank Products
4 Act of 2000” and inserting “the Gramm-Leach-
5 Bliley Act, the Legal Certainty for Bank Prod-
6 ucts Act of 2000, the securities laws (as such
7 term is defined in section 3(a)(47) of the Secu-
8 rities Exchange Act of 1934) and the Com-
9 modity Exchange Act”;
10 (2) in section 362(b)—

11 (A) by striking paragraphs (6) and (7) and
12 inserting the following:

13 “(6) under subsection (a) of this section, of the
14 exercise by a commodity broker, forward contract
15 merchant, stockbroker, financial institution, finan-
16 cial participant, or securities clearing agency of any
17 contractual right (as defined in section 555 or 556)
18 under any security agreement or arrangement or
19 other credit enhancement forming a part of or re-
20 lated to any commodity contract, forward contract
21 or securities contract, or of any contractual right (as
22 defined in section 555 or 556) to offset or net out
23 any termination value, payment amount, or other
24 transfer obligation arising under or in connection



1 with 1 or more such contracts, including any master
2 agreement for such contracts;

3 “(7) under subsection (a) of this section, of the
4 exercise by a repo participant or financial partici-
5 pant of any contractual right (as defined in section
6 559) under any security agreement or arrangement
7 or other credit enhancement forming a part of or re-
8 lated to any repurchase agreement, or of any con-
9 tractual right (as defined in section 559) to offset or
10 net out any termination value, payment amount, or
11 other transfer obligation arising under or in connec-
12 tion with 1 or more such agreements, including any
13 master agreement for such agreements;”;

14 (B) by striking paragraph (17) and insert-
15 ing the following:

16 “(17) under subsection (a) of this section, of
17 the exercise by a swap participant or financial par-
18 ticipant of any contractual right (as defined in sec-
19 tion 560) under any security agreement or arrange-
20 ment or other credit enhancement forming a part of
21 or related to any swap agreement, or of any contrac-
22 tual right (as defined in section 560) to offset or net
23 out any termination value, payment amount, or
24 other transfer obligation arising under or in connec-



1 tion with 1 or more such agreements, including any
2 master agreement for such agreements;”; and

3 (C) by striking paragraph (27) and insert-
4 ing the following:

5 “(27) under subsection (a) of this section, of
6 the exercise by a master netting agreement partici-
7 pant of any contractual right (as defined in section
8 555, 556, 559, or 560) under any security agree-
9 ment or arrangement or other credit enhancement
10 forming a part of or related to any master netting
11 agreement, or of any contractual right (as defined in
12 section 555, 556, 559, or 560) to offset or net out
13 any termination value, payment amount, or other
14 transfer obligation arising under or in connection
15 with 1 or more such master netting agreements to
16 the extent that such participant is eligible to exercise
17 such rights under paragraph (6), (7), or (17) for
18 each individual contract covered by the master net-
19 ting agreement in issue; and”; and

20 (3) in section 741(7)(A)—

21 (A) in clause (i)—

22 (i) by striking “mortgage loan or”
23 and inserting “mortgage loan,”; and

24 (ii) by inserting before the semicolon
25 “(whether or not such repurchase or re-



1 verse repurchase transaction is a ‘repur-
2 chase agreement’, as defined in section
3 101)’’;

4 (B) in clause (iii)—

5 (i) by inserting “(including by nova-
6 tion)” after “the guarantee”; and

7 (ii) by inserting before the semicolon
8 “(whether or not such settlement is in con-
9 nection with any agreement or transaction
10 referred to in clauses (i) through (xi))”;

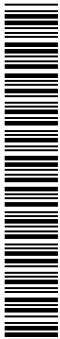
11 (C) in clause (viii), by striking “or (vii)”
12 each place it appears and inserting “(vii), (viii),
13 or (ix)”;

14 (D) by redesignating clauses (v) through
15 (ix) as clauses (vii) through (xi), respectively;
16 and

17 (E) by inserting after clause (iv) the fol-
18 lowing:

19 “(v) any extension of credit for
20 the clearance or settlement of securi-
21 ties transactions;

22 “(vi) any loan transaction cou-
23 pled with a securities collar trans-
24 action, any prepaid forward securities
25 transaction, or any total return swap



1 transaction coupled with a securities
2 sale transaction;”.

3 (b) LIMITATION OF AVOIDANCE POWERS UNDER
4 MASTER NETTING AGREEMENT.—Section 546 of title 11,
5 United States Code, is amended—

6 (1) in subsection (e)—

7 (A) by inserting “(or for the benefit of)”
8 before “a commodity broker”; and

9 (B) by inserting “or that is a transfer
10 made by or to (or for the benefit of) a com-
11 modity broker, forward contract merchant,
12 stockbroker, financial institution, financial par-
13 ticipant, or securities clearing agency, in con-
14 nection with a securities contract, as defined in
15 section 741(7), commodity contract, as defined
16 in section 761(4), or forward contract,” after
17 “securities clearing agency,”;

18 (2) in subsection (f)—

19 (A) by striking “that is a margin payment,
20 as defined in section 741 or 761 of this title,
21 or settlement payment, as defined in section
22 741 of this title,”; and

23 (B) by inserting “(or for the benefit of)”
24 before “a repo participant”;



1 (3) in subsection (g), by inserting “(or for the
2 benefit of)” before “a swap participant”; and

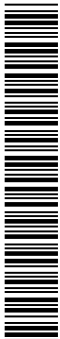
3 (4) in subsection (j), by inserting “(or for the
4 benefit of)” after “made by or to”.

5 (c) SIPC STAY.—Section 5(b)(2)(C)(iii) of the Secu-
6 rities Investor Protection Act of 1970 (15 U.S.C.
7 78eee(b)(2)(C)(iii)) is amended—

8 (1) by inserting “a derivatives clearing organi-
9 zation (as defined in the Commodity Exchange Act),
10 a multilateral clearing organization (as defined in
11 the Federal Deposit Insurance Corporation Improve-
12 ment Act of 1991),” after “rule or bylaw of”; and

13 (2) by striking “or a securities clearance agen-
14 cy, a right set forth in a bylaw of a clearing organi-
15 zation or contract market” and inserting “a securi-
16 ties clearing agency, a contract market designated
17 under the Commodity Exchange Act, a derivatives
18 transaction execution facility registered under the
19 Commodity Exchange Act, or a board of trade (as
20 defined in the Commodity Exchange Act),”.

21 (d) SAVINGS CLAUSE.—Title IX of the Bankruptcy
22 Abuse Prevention and Consumer Protection Act of 2005
23 (Public Law 109–8, 119 Stat. 146) is amended by adding
24 at the end the following:



1 **“SEC. 912. SAVINGS CLAUSE.**

2 “The meanings of terms used in this title are applica-
3 ble for the purposes of this title only, and shall not be
4 construed or applied so as to challenge or affect the char-
5 acterization, definition, or treatment of any similar terms
6 under any other statute, regulation, or rule, including the
7 Gramm-Leach-Bliley Act, the Legal Certainty for Bank
8 Products Act of 2000, the securities laws (as such term
9 is defined in section 3(a)(47) of the Securities Exchange
10 Act of 1934), and the Commodity Exchange Act.”.

11 **SEC. 6. WALKAWAY CLAUSES.**

12 (a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—
13 Section 11(e)(8)(G) of the Federal Deposit Insurance Act
14 (12 U.S.C. 1821(e)(8)(G)) is amended by striking clause
15 (ii) and inserting the following new clauses:

16 “(ii) LIMITED SUSPENSION OF CER-
17 TAIN OBLIGATIONS.—In the case of a
18 qualified financial contract referred to in
19 clause (i), any payment or delivery obliga-
20 tions otherwise due from a party pursuant
21 to the qualified financial contract shall be
22 suspended from the time the receiver is ap-
23 pointed until the earlier of—

24 “(I) the time such party receives
25 notice that such contract has been



1 transferred pursuant to subparagraph
2 (A); or

3 “(II) 5:00 p.m. (eastern time) on
4 the business day following the date of
5 the appointment of the receiver.

6 “(iii) WALKAWAY CLAUSE DE-
7 FINED.—For purposes of this subpara-
8 graph, the term ‘walkaway clause’ means
9 any provision in a qualified financial con-
10 tract that suspends, conditions, or extin-
11 guishes a payment obligation of a party, in
12 whole or in part, or does not create a pay-
13 ment obligation of a party that would oth-
14 erwise exist, solely because of such party’s
15 status as a nondefaulting party in connec-
16 tion with the insolvency of an insured de-
17 pository institution that is a party to the
18 contract or the appointment of or the exer-
19 cise of rights or powers by a conservator or
20 receiver of such depository institution, and
21 not as a result of a party’s exercise of any
22 right to offset, setoff, or net obligations
23 that exist under the contract, any other
24 contract between those parties, or applica-
25 ble law.”.



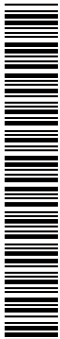
1 (b) INSURED CREDIT UNIONS.—Section
2 207(c)(8)(G) of the Federal Credit Union Act 12 U.S.C.
3 1787(c)(8)(G)) is amended by striking clause (ii) and in-
4 serting the following new clauses:

5 “(ii) LIMITED SUSPENSION OF CER-
6 TAIN OBLIGATIONS.—In the case of a
7 qualified financial contract referred to in
8 clause (i), any payment or delivery obliga-
9 tions otherwise due from a party pursuant
10 to the qualified financial contract shall be
11 suspended from the time the liquidating
12 agent is appointed until the earlier of—

13 “(I) the time such party receives
14 notice that such contract has been
15 transferred pursuant to subparagraph
16 (A); or

17 “(II) 5:00 p.m. (eastern time) on
18 the business day following the date of
19 the appointment of the liquidating
20 agent.

21 “(iii) WALKAWAY CLAUSE DE-
22 FINED.—For purposes of this subpara-
23 graph, the term ‘walkaway clause’ means
24 any provision in a qualified financial con-
25 tract that suspends, conditions, or extin-



1 guishes a payment obligation of a party, in
2 whole or in part, or does not create a pay-
3 ment obligation of a party that would oth-
4 erwise exist, solely because of such party's
5 status as a nondefaulting party in connec-
6 tion with the insolvency of an insured cred-
7 it union or the appointment of or the exer-
8 cise of rights or powers by a conservator or
9 liquidating agent of such credit union, and
10 not as a result of a party's exercise of any
11 right to offset, setoff, or net obligations
12 that exist under the contract, any other
13 contract between those parties, or applica-
14 ble law.”.

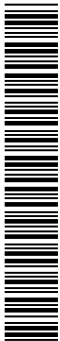
15 **SEC. 7. COMPENSATION OF CHAPTER 7 TRUSTEES; CHAP-**
16 **TER 7 FILING FEES.**

17 (a) AMENDMENTS TO TITLE 11 OF THE UNITED
18 STATES CODE.—

19 (1) COMPENSATION OF CHAPTER 7 TRUST-
20 EES.—Section 330(b)(1) of title 11, United States
21 Code, is amended by striking “\$45” and inserting
22 “\$100”.

23 (2) RELATED AMENDMENTS.—Section 330(b)
24 of title 11, United States Code, is amended—

25 (A) by striking “(1)”, and



1 (B) by striking paragraph (2).

2 (b) AMENDMENTS TO TITLE 28 OF THE UNITED
3 STATES CODE.—

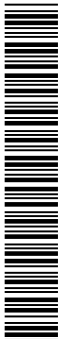
4 (1) CHAPTER 7 FILING FEE.—Section
5 1930(a)(1)(A) of title 28 of the United States Code,
6 as amended by section 10101 of Public Law 109–
7 171, is amended by striking “\$245” and inserting
8 “\$300”, and

9 (2) UNITED STATES TRUSTEE FUND.—Section
10 589a(b)(1)(A) of title 28, United States Code, is
11 amended by striking “40.46” and inserting “29.67”.

12 (c) RELATED AMENDMENT REGARDING COLLEC-
13 TIONS AND DEPOSITS OF MISCELLANEOUS BANKRUPTCY
14 FEES.—Section 406(b) of the Judiciary Appropriations
15 Act, 1990 (28 U.S.C. 1931 note) is amended by striking
16 “28.87” and inserting “21.17”.

17 (d) CONFORMING AMENDMENT.—Section 10101(a)
18 of Public Law 109–171 is amended by striking paragraph
19 (2).

20 (e) EFFECTIVE DATE; APPLICATION OF AMEND-
21 MENTS.—The amendments made by this section shall take
22 effect 60 days after the date of the enactment of this Act
23 and shall not apply with respect to cases commenced
24 under title 11 of the United States Code before the date
25 such amendments take effect.



1 **SEC. 8. SCOPE OF APPLICATION.**

2 Subject to section 7(e), the amendments made by this
3 Act shall not apply to any cases commenced under title
4 11, United States Code, or appointments made under any
5 Federal or State law, before the date of the enactment
6 of this Act.

